

CONSUMER PROTECTION FROM FRAUDULENT AUTO-
MOBILE ODOMETER MODIFICATIONS

JUNE 6, 1984.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1407]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1407) to protect purchasers of used automobile from fraudulent practices associated with automobile odometer modifications, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill do pass.

PURPOSE OF THE BILL

Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 states that it is illegal for any person to disconnect or reset the odometer of any motor vehicle. The act also requires the National Highway Traffic Safety Administration (NHTSA) of the Department of Transportation (DOT) to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers. Current law requires that a statement disclosing the odometer reading must be provided in writing to the purchaser when a vehicle is sold. Federal law does not, however, specify the form in which the odometer reading disclosure must be made. Consequently, in many cases, the odometer reading disclosure is made on a separate piece of paper, other than the title, and given to the buyer. In such cases, the buyer can easily destroy the disclosure paper, roll back the odometer, and prepare a new disclosure for the next purchaser; the new disclosure would show the altered odometer reading.

The majority of States have taken some action in this area. In fact, only six States and the District of Columbia currently do not have some provision for requiring odometer readings on automobile titles.

Nevertheless, it remains very easy for a person to mail a certificate of title with high mileage to another person in one of these States not requiring the odometer mileage to be shown on titles and to obtain in return a new title without any odometer information, and then to reset the odometer to a lower figure.

A further problem is the ease with which odometers can be tampered. It is extremely difficult for a consumer seeking to purchase a used motor vehicle to discern if the odometer in that vehicle has been tampered with in any way.

S. 1407, as reported, remedies the insufficiencies of current law with respect to the disclosure requirements of odometer mileage and the tamper-resistance of the odometers themselves.

BACKGROUND AND NEED

Annual sales of used cars in America fall between 20 and 40 million. Roughly 3 million used cars each year have had their odometers rolled back with an average of 30,000 miles per car. Among some categories of used cars, such as leased cars—which are attractive targets because they are recent models with higher than average mileage—9 out of 10 of these cars have their odometers altered before being sold to retail customers.

Odometer fraud is one of the most costly types of fraud in the United States; NHTSA estimates that the annual cost to consumers of odometer fraud exceeds \$2 billion. Odometer fraud is also very lucrative; the average wholesale price increase for a car with an altered odometer is estimated by NHTSA at \$750. Odometer rollback is one of the fastest ways to make money; unearned profits from odometer tampering amount to at least \$200 for every 10,000 miles the odometer is rolled back. It only takes a few minutes to roll back an odometer. Further, the process is very difficult to detect and the risk of getting caught is negligible.

Testimony presented to the Surface Transportation Subcommittee demonstrated the magnitude and complexity of this problem. According to the consumer group Public Citizen, a used car transaction can involve only 2 parties if it is a private sale or as many as 8 or 10 if it involves cars that enter the wholesale market. Private sales, which account for roughly 20 percent of used car sales, are not the major source of the odometer fraud problem. Most such fraud occurs in the commercial market. Used car auctions, distributors, wholesalers, and dealers and used car lots of new car dealers often may be directly involved in fraud.

According to the National Automobile Dealers Association, odometer rollback frequently involves cars which have been sold through mass sales, such as auctions. Wholesalers would typically buy large quantities of cars at auctions to sell to other wholesalers or to dealers. If a wholesaler does engage in odometer tampering, a typical procedure would be as follows. First, after buying a car, he would roll back the odometer. Second, the wholesaler must acquire supporting paperwork. In most cases, the odometer disclosure is made on a separate sheet of paper accompanying the title. The wholesaler then can alter the odometer reading or provide a new disclosure. In cases where the odometer reading is included on the title, the wholesaler can either

alter the existing title or launder it completely, such as by titling the car in a State which does not require an odometer reading on the title. This is easily done without moving the car: a person need only send the information, together with a check, to a business associate in another State, who will have the car retitled. The new title contains no odometer reading and the wholesaler may then disclose whatever odometer reading he chooses.

Such practices create a major problem for used car dealers. A dealer can easily unknowingly purchase a car with a rolled back odometer from a wholesaler. The dealer sells the car to a customer in good faith, but the customer ends up paying too much for the car because it has been driven much further than the mileage indicated on the odometer.

According to the Wisconsin Automobile and Truck Dealers Association, Wisconsin officials have found that 93 percent of vehicles which have been titled by out-of-State dealers from certain States, such as those which issue "clean" titles, show evidence of odometer fraud.

In addition to closing the current loopholes in State titling laws, another means of discouraging odometer fraud is to make it more difficult to tamper with an odometer.

In 1976, NHTSA issued a proposed Federal Motor Vehicle Safety Standard No. 127, "Speedometers and Odometers." This proposed standard required that vehicle odometers be designed so that they are tamper resistant and indicate when the mileage has exceeded 100,000 miles. In 1978, a final standard was issued to take effect in September 1981. The standard provided flexibility to manufacturers in meeting the tamper resistance requirement.

Odometers could be designed in any of the following ways:

1. if reversal is attempted, the odometer breaks;
2. an encapsulation must be pierced or broken in order to get the odometer to reverse;
3. some definitive indication of reversal, such as the appearance of an otherwise hidden part, must be provided when reversal is attempted;
4. each number of the 10,000 miles/kilometers wheel is marked as or after it disappears from view, so that the mark becomes visible if the wheel is reversed.

The standard also required that replacement odometers be colored to differentiate them from original equipment. By doing this, new replacement odometers with low mileage readings could not be substituted for original equipment odometers with high mileage readings.

However, in May 1981, NHTSA proposed a delay in the effective date and on October 22, 1981, NHTSA issued a notice proposing to rescind the standard. In this notice, NHTSA stated its "tentative conclusion" that, "neither the speedometer requirements nor the odometer requirements are likely to yield measurable or significant safety benefits." NHTSA further stated its belief that the odometer provisions of Standard 127 "may not significantly reduce the number of accidents that occur each year." (Federal Register, October 22, 1981, p. 51789).

In its 1976 estimate of the benefits of the odometer requirements, NHTSA estimated that these requirements could prevent 660 accidents each year. NHTSA's 1981 statement indicated that NHTSA believed a more realistic estimate of the numbers of accidents that

might be prevented by tamper-resistant odometers is likely to be much lower.

NHTSA's 1981 proposal admitted that rescission of the odometer provisions would be likely to result in more tampering than would have occurred if the standard were implemented, although NHTSA did not know to what extent tampering would be prevented.

NHTSA also noted that rescission of the odometer requirements would produce a small consumer savings. NHTSA estimated, however, that the odometer provisions of Standard 127 cost the ultimate consumer only about \$1.30 per vehicle.

On February 18, 1982, NHTSA revoked Standard 127.

LEGISLATIVE HISTORY

On April 12, 1984, the Subcommittee on Surface Transportation conducted a hearing on S. 1407. Testimony was presented by NHTSA officials, Public Citizen, and automobile dealer association representatives.

On May 8, the Committee considered S. 1407 in executive session. The Committee accepted, by a voice vote, an amendment in the nature of a substitute to S. 1407. The Committee also accepted, by a voice vote, an amendment to reinstate NHTSA's tamper-resistant odometer standard. On May 8, the Committee ordered reported S. 1407, as amended, by a voice vote.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 22, 1984.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1407, a bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes. The bill was ordered reported by the Senate Committee on Commerce, Science and Transportation, May 8, 1984. We expect that enactment of this bill will result in no cost to the federal government, or to state and local governments.

This bill requires titles issued to purchasers of used cars to be printed in intaglio printing, and to display the car's mileage at the time of the transfer. While this may slightly increase the cost to states for issuing automobile titles, the price charged to automobile owners is likely to be adjusted to reflect this difference. The bill also directs the Secretary of Transportation to reinstate a federal safety standard regarding tamper-resistant odometers. The standard, which was revoked in 1982

before it went into effect, also requires speedometers to be highlighted at 55 miles per hour and prohibits them from registering more than 85 miles per hour.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER,
Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation :

NUMBER OF PERSONS COVERED

The first section of S. 1407, as reported, provides that all States must require written disclosure of the odometer reading on a motor vehicle's title at the time of transfer of ownership of the motor vehicle and when the new owner is seeking to register the vehicle. The Committee understands, however, that only 6 States and the District of Columbia do not require that a car's odometer reading be listed on its certificate of title.

The first section also specifies certain requirements for the title certificate itself. This provision will apply to transfers of ownership of motor vehicles used or transferred in interstate commerce.

Section 2 of S. 1407 requires DOT to reinstate Federal Motor Vehicle Safety Standard 127, "Speedometers and Odometers." The standard applies to passenger cars, multipurpose passenger vehicles, trucks, motorcycles, and buses, and to speedometers and odometers for use in these vehicle types. The odometer provisions, however, do not apply to vehicles having a gross vehicle weight rating greater than 16,000 pounds.

ECONOMIC IMPACT

The first section of S. 1407, which requires disclosure of odometer readings on motor vehicle title certificates and registrations, would result in some States changing their current registration procedures, possibly resulting in some slight registration cost increases to motor vehicle owners.

Section 2 of S. 1407, which requires reinstatement of DOT's tamper-resistant odometer standard, would impose a \$1.50 per vehicle cost to manufacturers, with a corresponding price increase to the consumer of approximately \$2.20 per vehicle, based on analysis by NHTSA. Reinstatement of this standard is expected, however, to reduce the \$2 billion per year automobile odometer tampering problem.

PRIVACY

S. 1407 will not have any adverse impact on the personal privacy of the individuals affected.

PAPERWORK

The imposition in the first section of written odometer disclosure requirements on title certificates and motor vehicle registrations is expected to result in some increase of paperwork for State motor vehicle licensing agencies. As these new requirements would become part of existing registration procedures, no substantial paperwork increase is anticipated.

Section 2 requires DOT to reinstate Federal Motor Vehicle Safety Standard 127. This provision of S. 1407 should not result in a significant paperwork increase to automobile manufacturers or the agency.

SECTION-BY-SECTION ANALYSIS

SECTION 1—AMENDMENT OF MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Section 408 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988) provides disclosure requirements for the transfer of ownership of motor vehicles. Section 408(a) specifies that when the ownership of a motor vehicle is transferred, the transferor must provide the following written information to the transferee: (1) Disclosure of the cumulative mileage registered on the odometer; or (2) if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled, disclosure that the actual mileage is unknown. Subsection (b) of section 408 provides that no transferor shall violate any rule prescribed under this section by the Secretary of Transportation or give a false statement to a transferee in making any disclosure required by such rule. Subsection (c) of that section specifies that no transferee who, for purposes of resale, acquire ownership of a motor vehicle shall accept any written disclosure required by any rule prescribed under this section by the Secretary if such disclosure is incomplete.

Subsection (a) of the first section amends section 408 of the Motor Vehicle Information and Cost Savings Act by adding a new subsection (d). This provision is aimed at creating a record which would enable a consumer to be better informed about the true mileage on a used vehicle. This record, in turn, will create a mechanism through which odometer tampering can be traced and violators prosecuted. Subsection (d)(1) provides that a motor vehicle whose ownership is transferred by any person to another person in interstate commerce may not be registered or licensed for use in any State, or used in interstate commerce, unless: (A) The application to the State by the motor vehicle's new owner for a certificate of title is accompanied by the prior owner's most recent registration card for the motor vehicle and the prior owner's title; and (B) the certificate of title (or other document indicating ownership) of the motor vehicle which is issued by the State to the new owner following such transfer: (i) is printed in bank note intaglio printing process; (ii) indicates on its face the mileage required to be disclosed by the transferor under section 408(a) of the Motor Vehicle Information and Cost Savings Act; and (iii) contains a space for the transferee to disclose (in the event of a future sale or other transfer of title by such transferee) the mileage at the time of such future transfer and to sign and date such disclosure.

Subsection (d) (2) provides that in the case of an application for a new certificate of title for a motor vehicle, if the prior owner's title certificate contains a space for the disclosure of the mileage, when the title certificate is submitted to the State under paragraph (1) (A) of this subsection, it shall contain a statement, signed and dated by the prior owner, of the mileage required to be disclosed by the prior owner.

Subsection (d) (3) provides that no registration card may be issued in any State ofr any motor vehicle used in interstate commerce unless: (A) the application for the registration card contains the information specified in subsection 408(a) (1) and (2) of the Motor Vehicle Information and Cost Savings Act, determined as of the date on which the application is submitted by the owner of the motor vehicle; and (B) the registration card contains the information provided on such application.

Subsection (b) of the first section provides that new section 408 (d) (1) shall apply with respect to motor vehicles which are transferred more than 6 months after the date of enactment of this act. Subsection (c) of the first section provides that new section 408 (d) (3) shall apply with respect to motor vehicles which are registered in any State more than 6 months after the date of enactment of this act.

SECTION 2—TAMPER-RESISTANT ODOMETERS

Section 2(a) requires DOT to reinstate Motor Vehicle Safety Standard 127, Speedometers and Odometers, which was revoked on February 18, 1982. DOT is to reinstate Standard 127 within 60 days after the date of enactment of this act. This reinstated standard is to be identical to the language of Standard 17 immediately prior to its revocation, and shall apply to all passenger motor vehicles beginning with the model year after the date on which the standard is reinstated.

During the Committee's consideration of S. 1407, the Committee expressed its intent that the provision reinstating Standard 127 not in any way impede the enforcement of the other provisions of this bill or the effective date of S. 1407. Section 2(b) clarifies that the reinstatement of Standard 127 shall not delay or in any other manner impede the enforcement of the provisions of the first section of S. 1407.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

SECTION 408 OF THAT ACT

SEC. 408. (a)-(c) * * *

(d) (1) *No motor vehicle the ownership of which is transferred by any person to another person in interstate commerce may be registered or licensed for use in any State, or used in interstate commerce, unless—*

(A) the application to the State by the new owner of such motor vehicle for a certificate of title is accompanied by—

(i) the prior owner's most recent registration card for such motor vehicle; and

(ii) the prior owner's title (containing the information required under paragraph (2), where applicable); and

(B) the certificate of title (or other document indicating ownership) of such motor vehicle which is issued by the State to the new owner following such transfer—

(i) is printed in bank note intaglio printing process;

(ii) indicates on its face the mileage required to be disclosed by the transferor under subsection (a); and

(iii) contains a space for the transferee to disclose (in the event of a future sale or other transfer of title by such transferee) the mileage at the time of such future transfer and to sign and date such disclosure.

(2) In the case of an application for a new certificate of title for a motor vehicle, if the prior owner's certificate of title contains the space referred to in paragraph (1) (B) (iii), when such certificate of title is submitted to the State under paragraph (1) (A) (ii), it shall contain a statement, signed and dated by such prior owner, of the mileage required to be disclosed by such prior owner under subsection (a).

(3) No registration card may be issued in any State for any motor vehicle used in interstate commerce unless—

(A) the application for such registration card contains the information specified in paragraphs (1) and (2) of subsection (a), determined as of the date on which such application is submitted by the owner of the motor vehicle; and

(B) such registration card contains such information, as provided on such application.

TANDEM TRUCK SAFETY ACT OF 1984

JUNE 6, 1984.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2217]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2217) entitled the "Tandem Truck Safety Act of 1984", having considered the same, reports favorably thereof with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill do pass.

PURPOSE OF THE BILL

The Surface Transportation Assistance Act of 1982 (STAA) established uniform truck length requirements for trucks travelling on the National System of Interstate and Defense Highways and certain segments of the Federal-aid Primary System highways, as designated by the Secretary of Transportation. A comparable nationwide width standard of 102 inches was established as part of the fiscal year 1983 Department of Transportation (DOT) appropriations act (Public Law 97-369) and was amended early in 1983 (Public Law 98-17) to make the effective dates of the length and width provisions coincide on April 6, 1983.

Trucking companies point to important productivity gains which will result from the new uniform limits, once in place nationwide. Many also believe that safety is enhanced due to the need for fewer trucks on the road, given the increased cargo capacity of the larger trucks, and the improved maneuverability of tandem trucks compared to single trailers.

Officials in some urban areas, however, are concerned that the longer trucks, tandem units, and the 102-inch wide trucks may constitute a safety hazard on older urban Interstate highways which do not meet current construction specifications. These highways,

therefore, are considered by these officials to be unable to accommodate the larger trucks.

This legislation amends the STAA to ensure establishment of a nationwide route system for the larger trucks which can safely accommodate these vehicles.

BACKGROUND AND NEEDS

SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Section 411 of the STAA sets minimum nationwide truck length limits of 48 feet for the semitrailer unit of a truck tractor-semitrailer combination and 28 feet for the trailer or semitrailer operating in a truck tractor-semitrailer-trailer combination. These limits, which are exclusive of safety and energy conservation devices, apply to vehicles operating on the National System of Interstate and Defense Highways and qualifying Federal-aid Primary System highways designated by the Secretary of Transportation. The STAA precludes States from prohibiting the operation of "doubles" (i.e., a truck trailer and two trailing units) on any segment of highway which the Secretary has designated for their use.

Section 411 required the Secretary to make an initial determination of highways to be designated for the use of the longer trucks and doubles by April 6, 1983, and a final designation by October 6, 1983. In addition to opening all Interstate highways to the larger trucks, this section required the Secretary to designate as qualifying Federal-aid Primary System highways those such highways that are capable of safely accommodating the longer trucks and doubles.

Section 321 of the fiscal year 1983 DOT and Related Agencies Appropriations Act (Public Law 97-369) originally established a nationwide width standard of 102 inches for motor vehicles operating on the National System of Interstate and Defense Highways or qualifying Federal-aid highways as designated by the Secretary of Transportation, in States other than Hawaii. The 102-inch limitation applied to highways with traffic lanes designed to be a width of 12 feet or more. Subsequent legislation (Public Law 98-17) amended the STAA to create section 416. This new section clarified the intent for a single system of highways for use by the larger vehicles by moving the effective date of the width provision to April 6, 1983, thereby coinciding with the effective date of the STAA's length provisions.

During Senate consideration of the STAA, Senator Carl Levin expressed concern about the need for a proper procedure to prohibit double-bottom trucks from traveling on two-lane roads or roads in urban areas where a safety problem might exist. Senator Howard Cannon responded that he thought the Secretary "should and will err on the side of caution in making designations . . . if he has any doubts, he should declare the highway in question to be nonqualifying." Senator Levin also asked if it were Senator Cannon's intent that five specific factors be considered by the Secretary in developing the guidelines for designating highways for use of double-bottom trucks:

1. type of vehicle;

2. the material being transported in the vehicle;
3. conditions, dimensions and terrain of the road;
4. weather conditions; and
5. the level of traffic on the road.

Senator Cannon replied that these factors were "precisely the factors that are intended to be considered." (Congressional Record, December 19, 1982, p. S15611)

Interstate system characteristics

The STAA mandates that tandem trailer trucks and the other longer, wider trucks authorized under that act be permitted on all interstate highways. Some State officials, however, are concerned that some segments of interstate highways cannot safely accommodate these larger motor vehicles. Certain routes which are part of the interstate system were not built according to currently accepted interstate standards; under current Federal law, a State may designate certain roads as interstate routes although the roads were not built with interstate funds.

Officials from New York City testified before the Surface Transportation Subcommittee that the City's interstate system is made up of several preinterstate era roadways dating back to the 1930's, the majority of which do not conform to modern highway standards. For example:

- many of New York City's interstate highways have lane widths of only 10 and 11 feet, although current interstate standards dictate minimum lane widths of 12 feet;
- almost all of New York City's Interstate highways have substandard acceleration and deceleration lanes and many have no such lanes at all;
- although interstate standards dictate a usable width of 10 feet for a highway shoulder, 52 percent of New York City's interstate have either substandard shoulders or no shoulders at all; and
- New York City's interstates have several exits and entrances on the left, although Interstate design standards dictate that left side exits and entrances should be avoided.

The New York City officials noted significant hazards associated with operating tandem trailer trucks on congested urban interstate highways, including aerodynamic disturbances, off-tracking and jackknifing. Officials from the State of Massachusetts and representatives of the American Association of State Highway and Transportation Officials corroborated these concerns.

The DOT estimates that 67 miles of interstate highways in 16 States, in segments varying from 1 to 10 miles in length, have lanes with widths of less than 12 feet. Most of these segments fall under two categories: (1) Highway segments that were built before the interstate program and were subsequently incorporated into the interstate system, such as toll tunnels; and (2) highway segments that were restriped to gain another lane where increased capacity was a critical need.

Primary system characteristics

According to DOT statistics, as of January 1, 1982, there were 256,414 miles on the noninterstate Federal-aid primary highway

system throughout the United States. The most typical primary system route has two 12-foot lanes with hard shoulders, although roughly 8,700 miles of the system consist of four-lane, divided, fully controlled access facilities. In urban areas, 80 percent of the primary system has lanes 12 feet wide or greater. Nationwide, the primary system carries more traffic than the interstate system—471 billion annual vehicle miles on primary highways compared to 318 billion annual vehicle miles on interstate highways.

Reasonable access

The STAA requires that States not deny reasonable access between the national highway network and terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers. The Secretary has allowed the State to establish individual provisions for access to the national network, rather than establish a Federal definition of reasonable access. Trucking industry representatives testified before the Surface Transportation Subcommittee that this nonuniformity of access has become a considerable burden for trucking companies. As of September 1983, 18 States allow unlimited access, some permit very little deviation from the national network, and 13 States have no policy at all.

An additional concern is that the STAA is unclear as to whether trucking companies may use single 28-foot by 102-inch trailers in local pickup and delivery service. Trucking companies attempt where possible to use the same equipment for local service and over-the-road operations in order to avoid rehandling of freight at carrier's terminal facilities. For example, Roadway Express testified that it currently uses standard 45-foot by 96-inch semitrailers for roughly 75 percent of its local pickup and delivery operations. Roadway, as well as other motor carriers, wants to take advantage of the STAA provisions allowing nationwide use of the longer, wider trucks and tandem trailer units on designated routes. With the introduction of tandem trailer units into its fleet, Roadway therefore envisions using the single 28-foot trailer as a local pickup and delivery vehicle, replacing the 45-foot trailer for this purpose. The trucking industry maintains that both safety and productivity will be enhanced if the 28-foot by 102-inch single trailers are authorized for use in local pickup and delivery operations, through clarification of the STAA provisions.

DOT route designations

On February 3, 1983, DOT's Federal Highway Administration (FHWA) published a Notice of Policy Statement regarding the nationwide truck size and weight standards. FHWA defined "qualifying" highways, for use by both longer and wider trucks, as:

- the interstate system;
- those sections of the Federal-aid primary system which are divided highways with four or more lanes and full control of access—except where the State can justify that such use is not in the public interest (e.g., parkways or other routes where truck traffic is currently prohibited); and

—other Federal-aid primary system highways designated by a State that comply with safety and operational requirements, such as traffic lanes designated to be at least 12 feet wide.

DOT noted in this policy statement that the intent of this legislation was to "provide for the needs of interstate commerce by granting appropriate access to highways built with Federal-aid financial assistance without compromising the safety of the traveling public and the structural integrity of the highway system." (Federal Register, February 3, 1983, p. 5211). In adopting this policy, FHWA said it "has attempted to interpret the intent of the Congress to accommodate the needs of the Nation for a safe, efficient, and economical highway transportation system." (Federal Register, February 3, 1983, p. 5212).

FHWA issued a supplementary statement to the policy statement on March 10, 1983; this statement was an attempt to clarify the listings of qualifying highways to be submitted to DOT by the States.

The responses from the States to these policy statements varied widely. While 13 States recommended 100 percent of their Federal-aid primary systems be designated and 6 recommended over 50 percent of these systems, 11 States recommended from 10 to 50 percent of their Federal-aid primary systems and 22 States recommended from 0 to 10 percent of their systems.

On April 5, 1983, FHWA published interim designations of routes where the longer and wider trucks would be permitted to operate; the interim designated network was based on submissions made by the States and comments submitted to the public docket.

Effective April 6, 1983, and until the issuance of final regulations, State and local jurisdictions were required to allow the operation of the longer, wider trucks on the full Interstate System and the other designated highways, except in three cases:

- States and local jurisdictions may continue to enforce complete truck restrictions on those highways where no trucks were permitted to operate on January 6, 1983;
- States and local jurisdictions may impose and enforce truck restrictions during certain peak hours of travel demand or on specific travel lanes of multilane facilities; and
- State or local restrictions on truck movements for specific construction related, seasonal, structural or clearance restrictions, may be imposed and enforced.

DOT stated that restrictions in the latter two categories, however, must be based on documented safety, structural integrity or major traffic capacity problems that would be incurred in the absence of such restrictions.

FHWA's interim designation included 134,001 miles of Federal-aid primary highway and 42,268 miles of interstate highway. This represents an average of 53 percent of each State's noninterstate Federal-aid primary highway and 4.6 percent of all public road mileage. FHWA provided, however, that exceptions to the interim designated network could be granted by FHWA due to safety considerations upon request by the States on a case-by-case basis.

On April 22, 1983, FHWA cancelled the interim designation of the primary system highways in Georgia, Pennsylvania, Vermont, and Alabama, that had not been designated by those States. Those

States instituted actions in U.S. district courts to enjoin FHWA's designation of those primary system highways. One of the allegations in these suits was that the States had not had an opportunity to comment upon the safety of particular highway segments in the FHWA designations prior to their issuance.

In the ensuing months, FHWA issued modifications to the interim designated highway networks for these States:

(1) May 3, 1983—California, Delaware, Illinois, Iowa, Maine, Missouri, Nebraska, New York, Puerto Rico, South Carolina, West Virginia, and Wisconsin;

(2) May 12, 1983—Alaska, Arizona, Florida, Louisiana, Michigan, New Jersey, Oklahoma, Rhode Island, Texas, and Virginia;

(3) June 2, 1983—Idaho, Maine, Minnesota, New Hampshire, and North Carolina;

(4) July 8, 1983—California, Colorado, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, North Carolina, Oregon, Puerto Rico, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin; and

(5) August 30, 1983—Delaware, New York, and Tennessee.

In addition to these modifications, on May 12, 1983, FHWA issued a cancellation of the interim designation of the primary system highways in Connecticut that had not been designated by that State. On April 5, 1983, the Governor of Connecticut had signed into law a bill prohibiting the operation of certain vehicles authorized by the STAA on public highways in Connecticut (Public Act No. 83-21, "An Act Concerning Tandem Trailer Trucks"). The FHWA cancelled this portion of the interim designation because the Federal Government expected to commence litigation against the State of Connecticut. The Government took Connecticut to court on May 27, 1983. On June 13, 1983, the U.S. District Court for Connecticut issued a preliminary injunction barring enforcement of the Connecticut statute. Subsequently, the second circuit court of appeals and the U.S. Supreme Court issued summary judgments affirming the district court decision.

On August 31, 1983, FHWA proposed a revised interim system for Alabama, Florida, Georgia, Pennsylvania, and Vermont, each of which had filed lawsuits in Federal court challenging the initial interim designations. In that notice, FHWA also clarified that it intended that "qualifying primary highways" include additional routes beyond four-lane divided limited-access highways.

FHWA also stated that safety has always been its paramount concern in making the designations:

In the absence of conclusive evidence attributing increased safety problems to the operation of the commercial motor vehicles with dimensions authorized by the STAA, and in recognition of the fact that the proposed [sic] provides a mechanism for deletion of potentially unsafe segments from the designated system, the FHWA has initially determined that any safety effects of this proposal will be minor compared to expected benefits.

(Federal Register, August 31, 1983, p. 39592.)

On September 14, 1983, FHWA proposed final highway route designations for 45 States, Puerto Rico, and the District of Columbia. The proposed final designations generally excluded road segments unless they can safely accommodate all the larger dimensioned vehicles (e.g., double trailer combinations, 48-foot single semitrailers, and 102-inch wide vehicles.) FHWA noted that it had reached substantial or full agreement in 39 States, the District of Columbia, and Puerto Rico, with 117,640 miles of Federal-aid primary highway proposed to be placed on the national designated highway network.

FHWA solicited comments on three issues, with respect to the proposed final route designation: (1) Safety of the designated routes; (2) interconnectivity of the routes; and (3) service availability to major population and industrial centers.

On February 3, 1984, FHWA issued its final rule for the interim route network in Alabama, Florida, Georgia, Pennsylvania, and Vermont; the interim networks total approximately 3,000 miles. On February 28, FHWA proposed the final network of highways, other than the interstate system, for these five States. These routes are the same as in the interim networks, except in Florida and Georgia, where additional routes totaling 75 miles are proposed.

FHWA's route designation was the subject of litigation before the U.S. District Court for the District of Columbia. In *Center for Auto Safety, et al. v. Elizabeth H. Dole, et al.* (Civil Action No. 83-3885), the Center contended that DOT designated particular highways without the requisite safety findings and by designating highways without regard to the statutory minimum lane width requirements. In *Consolidated Freightways Corporation of Delaware, et al. v. Elizabeth H. Dole, et al.* (Civil Action No. 84-0136), Consolidated Freightways did not oppose the interim rule, but urged the Court to direct DOT to issue final rules promptly and to designate all highways that can safely accommodate the vehicles allowed by the STAA. These two cases were consolidated and, in a March 27, 1984 decision, the district court noted that the FHWA's interim designations were reached in a careful and rational matter, given the time constraints under which the FHWA was operating. The court also noted, however, that DOT may not ignore the traffic lane width requirements of the STAA. The court stated that the present designations appear to be inconsistent with the section 416 requirements because they include highways designed to be less than 12 feet. As to safety analysis, the court stated that although DOT need not determine the safety of each designated highway on a mile-by-mile basis, DOT must at least establish safety guidelines or standards which enable determination of which classes of highways qualify for interim designation under section 411.

The court denied the motion of the Center for Auto Safety for a preliminary injunction. The court also denied a comparable motion of Consolidated Freightways, as DOT represented to the court that the final rules for all but a few States are expected to be issued during May 1984.

EFFECT OF LARGER TRUCKS ON THE HIGHWAYS

During the Committee's consideration of S. 2217, Senator Long expressed concern about the need for specific information as to the effect of larger trucks on the Nation's highway.

The Committee is aware of the following completed studies which were performed by DOT:

- "Investigation of Truck Size and Weight Limits" (August 1981). This report to Congress, required under section 161 of the surface Transportation Assistance Act of 1978, examined the impacts of increasing truck size and weight limits in such areas as transport costs and pavement and bridge costs.
- "Federal Highway Cost Allocation Study" (May 1982). This report to Congress, which was mandated by section 506 of the Surface Transportation Assistance Act of 1978, summarized a comprehensive investigation of the highway costs associated with different classes of vehicles. The report also recommended a user charge/tax structure
- FHWA's research on truck safety issues has produced reports on the influence of truck size and weight on the stability and control properties of heavy trucks; on the safety of truck operations on hills, at intersections and interchanges, and on two-lane roads; and on the effects of trucks on the operation of other vehicle, such as wind blast and splash and spray effects. Research on various truck size issues is also now underway:
- STAA requires DOT to study the potential benefits and costs that would result from allowing longer and heavier, twin-trailer and triple-trailer combination vehicles on a nationwide truck route network.
- STAA requires the National Academy of Sciences to monitor the effects (especially the effects on highway safety) of the use of the twintrailer combination vehicles that were authorized in the same legislation.
- FHWA's continuing research on truck safety issues is investigating ways to improve the handling characteristics of multitrailer combination vehicles by furthering the development of new dollies and coupling devices.

FHWA will be continuing to undertake research on various truck safety issues. These include: testing the maneuverability and operation of multitrailer combination vehicles on highways of all types; collecting and analyzing truck accident and exposure data to help determine key factors in truck accident; and investigating the effectiveness of various restrictions now being placed on the operation of specific classes of trucks.

Further, legislation pending in Congress (H.R. 4170) would require the Secretary of Transportation in consultation with the Department of the Treasury to study and report to Congress within 1 year whether vehicles with taxable gross weight of 80,000 pounds or more bear their fair share of the highway costs.

LEGISLATIVE HISTORY

On February 15, 1984, the Committee conducted a field hearing in Portland, Oreg., on truck safety issues, including truck size. Testimony was presented by representatives of the Oregon Public Util-

ity Commissioner, the Oregon Department of Transportation, the logging industry, and the motor carrier industry.

On March 22, 1984, the Subcommittee on Surface Transportation conducted a hearing on S. 2217. Testimony was presented by Senator Daniel Patrick Moynihan, Representatives Geraldine Ferraro, Barbara Kennelly, and William Ratchford, and by representatives of DOT, State and city governments, the trucking industry, and auto safety groups.

On May 8, the Committee ordered reported S. 2217, with an amendment in the nature of a substitute, by a voice vote.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 17, 1984.

Hon. BOB PACKWOOD,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2217, the Tandem Truck Safety Act of 1984, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, May 8, 1984. We expect that enactment of this bill would result in no significant cost to the federal government, or to state and local governments.

This bill amends requirements established by the Surface Transportation Assistance Act of 1982 (STAA) related to uniform truck length and width requirements for trucks travelling on Interstate highways and on certain other designated routes. Under this bill, state authorities could request the Secretary of Transportation to exempt specific segments of the Interstate system if they determine that the segment is not capable of safely accommodating vehicles having the lengths or widths set forth in the STAA. Before making such a request, local authorities must be consulted, and alternate routes must be considered. The Secretary must then make a determination on the request within six months, and publish a notice of the exemption, if one is granted.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER,
Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

NUMBER OF PERSONS COVERED

S. 2217, as reported, contains various provisions which pertain to the larger, wider trucks authorized for nationwide use by STAA (Public Law 97-424). As the provisions of S. 2217 apply to the same types of trucks covered by STAA, the number of persons covered should be consistent with current levels.

ECONOMIC IMPACT

Section 2 of S. 2217 enables a Governor to petition the Secretary of Transportation to exempt any segment of the National System of Interstate and Defense Highways which is not capable of safely accommodating the longer trucks authorized under STAA; section 3 of S. 2217 contains a comparable exemption provision related to wider trucks. If the Secretary agrees to exempt a segment or segments of the Interstate highway, trucking companies will be required to use alternate routes to travel in the affected areas. As some of these alternate routes could be more circuitous than the interstate highway, trucking companies in some cases could suffer financially, due to increased travel time and consequent lower productivity, and some shippers could be adversely affected.

Section 4 enables the Secretary to designate highways with lane widths of less than 12 feet as acceptable routes for 102-inch wide trucks, if these highways can safely accommodate the wider trucks. Section 5 authorizes the use of single trailer units of 102-inch wide combination vehicles for pickup and delivery operations. These provisions will allow for improved productivity in the trucking industry, thereby benefitting the industry and shippers who use truck transportation services.

PRIVACY

S. 2217 will not have any adverse impact on the personal privacy of the individuals affected.

PAPERWORK

The provisions of S. 2217 should not result in a significant paperwork increase to DOT, the trucking industry, State governments, or other interested parties.

Sections 2 and 3 of S. 2217 allow a Governor to petition the Secretary for an exemption of any interstate highway segment from the requirement that the longer, wider trucks be allowed to operate thereon. Interested parties are to be afforded an opportunity to comment on any such petitions to the Secretary.

Section 4 allows DOT to designate highways with lane widths of less than 12 feet for the use of 102-inch wide trucks, if the highways meet safety criteria. To accomplish this highway designation, DOT will be required to undertake a rulemaking.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section states the short title of the bill, the "Tandem Truck Safety Act of 1984".

SECTION 2

This section amends section 411 of STAA (49 U.S.C. 2311). The new section 411(i) enables the Governor of a State to notify the Secretary of Transportation of his or her belief that a segment of the system of interstate and defense highways is not capable of safely accommodating longer trucks or "doubles" and seek an exemption for that Interstate segment from the requirements of sections 411(a) and/or 411(c) of the STAA. Before making this notification to the Secretary, the Governor is required under subsection (i)(2) to consult with: (1) units of local government within the State in which the specific highway segment is located; and (2) the Governor of any State adjacent to that State that might be directly affected by an exemption of a highway segment. As part of these consultations, consideration is to be given to any potential alternative route that can safely accommodate the longer trucks and doubles and serves the area in which the segment being considered for exemption is located.

The Committee does not intend that this consultative procedure be lengthy or complicated. In requiring a Governor to consult with units of local government and Governors of adjacent States, the Committee seeks to ensure that the effects of an exemption of a highway segment—in terms of the safety impacts and the impacts of interstate commerce—on the entire surrounding area be carefully considered and evaluated. For example, during the Surface Transportation Subcommittee's hearing on S. 2217, Senator Frank Lautenberg expressed concern about a potential "spillover" problem—for example, if all highways in New York City were closed to tandem truck traffic, highways in New Jersey, some of which might not be able safely to handle the traffic, might be forced to accept the tandem units. The Committee is anxious that acceptable regional solutions to the problem of unsafe segments of interstate highways be determined. If, however, the Governor of an adjacent State or local government representatives do not choose to participate in the consultative process, the Governor seeking the exemption need only note in his or her petition that contact was made with the other parties and that they did not choose to participate.

In requiring the Governor seeking an exemption to consider alternative routes during the consultative process, the Committee wishes to emphasize its desire for the unimpeded flow of commerce, subject to safety criteria. The Committee intends that these alternative routes provide a logical connection to the interstate and primary system, to the maximum extent feasible, and do not create conditions of unreasonable circuitry. The Committee also intends that governors consider and provide to the Secretary available data on the potential economic impact of the alternative route or routes on the businesses and industries that would be affected by the change.

If, however, after thorough consideration of various possible alternative routes, no acceptable route can be determined, the Governor should detail in his or her petition to the Secretary the attempts made to determine alternative routes. The absence of an alternative route specification in a Governor's petition, given docu-

mentation of an effort to make such a specification, is not intended to prejudice the Secretary's decision with regard to that petition.

Subsection (i)(3) requires a Governor to transmit specific evidence of safety problems with his or her notification to the Secretary, along with the results of the consultations regarding alternative routes. Specifically, the Committee intends that at least the following factors be among those considered by a Governor and the Secretary: (1) Highway design and construction—including land widths, sight distance, severity and length of grades, shoulder widths, narrow bridges, bridge clearance and load limits, and intersection geometrics; and (2) traffic volume and vehicle mix.

Subsection (i)(4)(A) authorizes the Secretary to exempt a segment of the National System of Interstate and Defense Highways from the requirements of sections 411(a) and/or 411(c) of the STAA if the Secretary determines that the segment is not capable of safely accommodating the longer trucks and/or tandem units. The Secretary may make such a determination upon request of a Governor or on the Secretary's own initiative.

The Committee intends that the Secretary consider four factors in making an exemption determination pursuant to this legislation: (1) The effect of an exemption on transportation safety, (2) the effect of an exemption on interstate commerce, (3) the presence and suitability of an alternative route or routes, and (4) the effect on other segments of the interstate and defense highway system and other highways. It is unequivocally the Committee's intent that highway safety, the first factor, be the Secretary's primary concern.

Before making the exemption determination, the Secretary must consider any possible alternative route that serves the area in which the segment is located. In specifically requiring the Secretary to consider alternative routes, the Committee intends to emphasize the importance it places upon the Secretary giving full and careful consideration to alternative routes which can mitigate the impact of any exemption upon the movement of goods in interstate commerce while still serving this legislation's safety goals. Similarly, it is the Committee's intent that the Secretary comprehensively consider the regional transportation picture in making an exemption determination and in determining alternative routes. As clearly recognized in those provisions of the bill mandating regional, multi-State consultation prior to a governor's initiating transmittal, an exemption of a portion of an interstate in one State may well affect other highways, including highways in other States, thereby possibly affecting safety as well as the flow of commerce. Added truck miles necessitated by circuitous routes, or resultant increased traffic on alternative routes, could diminish overall highway safety. The Secretary's deliberation should encompass these considerations.

Subsection (i)(4)(B) requires the Secretary to make this determination within 120 days after receipt of a notification from a Governor or the date on which the Secretary initiates action. If the determination will not be made within 120 days, the Secretary is immediately to notify the Congress and furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for the determination. The Committee in-

tends that these determinations be made quickly to lessen uncertainty for State and local governments, the trucking industry, and shippers alike.

Subsection (i)(4)(C) stipulates that the Secretary shall make an exemption determination only after affording interested parties notice and the opportunity for comment. While the Secretary will have flexibility in determining the most appropriate procedures for developing a full administrative record, the Secretary's decision must be based on that record. The record will be available for judicial review of the decision.

Subsection (i)(4)(C) further requires that any exemption granted by the Secretary prior to the date on which the final route network is issued, as required under section 411(a), is to be included as part of the final rules specifying the designation. Any exemption granted after the final route designation is to be published as a revision of the final rules.

SECTION 3

This section amends section 416 of the STAA (49 U.S.C. 2316). This new section 416(e) enables the Governor of a State to notify the Secretary of Transportation of his or her belief that a segment of the system of interstate and defense highways is not capable of safely accommodating 102-inch wide vehicles and seek an exemption for that interstate segment from the requirements of section 416(a) so that a State may impose a vehicle width limitation of less than 102 inches on that segment.

Section 3 establishes procedures for a Governor's notification of the Secretary of the safety problem and for the Secretary's exemption determination. These procedures are identical to those established under section 2, pertaining to longer trucks and tandem trailer units.

SECTION 4

Subsections (a) and (b) provide conforming changes to section 411 of the STAA necessitated by the provisions of section 2 of this act. Subsection (c) provides a conforming change to section 412 of the STAA to reflect the provisions of sections 2 and 3 of this act. Subsection (d) (1) and (2) and subsection (e)(1) provide conforming changes to section 416 of the STAA which are necessitated by the provisions in section 3 of this act.

Subsections (d)(3) and (e)(2) amend section 416 of the STAA to enable the secretary to designate Federal-aid primary highways with lanes of less than 12 feet in width for operation of 102-inch wide vehicles. The Secretary may designate highways with lane widths of less than 12 feet only if those highways can safely accommodate the 102-inch wide trucks.

The provisions of subsections (d)(3) and (e)(2) are intended to clarify congressional intent with respect to the types of highways on which 102-inch trucks are to be allowed to operate, as part of the nationwide system of roadways over which the longer, combination, and wider vehicles are authorized by the STAA to travel.

Section 416 of the STAA authorizes the Secretary to designate federal-aid highways "with traffic lanes designed to be a width of

12 feet or more" as being available to 102-inch commercial vehicles. FHWA, in interpreting that section, concluded that the 12-foot lane width criterion should be applied to "highways" in general rather than to specific small segments of roadway. Thus, a number of routes on the interim network published by FHWA on April 5, 1983, and subsequently amended, have portions with lanes less than 12-feet wide.

In litigation brought in the U.S. District Court for the District of Columbia (*Center for Auto Safety v. Dole*), the court's interpretation of section 416 placed emphasis on the word "designed", indicating that the Secretary has discretion to designate highways with lanes of less than 12-feet in width, but that that discretion is limited to highways which were "intended" to have 12-foot lanes. Accordingly, under the existing language, the Secretary may designate a highway with lanes of less than 12 feet if it was "intended" to have lanes of 12 feet, but may not designate a highway with lanes of less than 12 feet if the lesser width was "intentional". Section 4 removes this artificial limit upon the Secretary's discretion and replaces it with what the Committee believes is the proper criterion: whether the designation is consistent with highway safety and the other purposes of title 49, United States Code, including the safe and efficient movement of goods in interstate commerce.

The Committee recognizes that if section 416 were interpreted to require that only 12-foot wide lane mileage could be designated, it would be impossible for an 102-inch truck effectively to use the primary system in many States. Even in a State such as Arizona, where only 16 miles of the 1,351-mile designated network have lanes less than 12 feet in width, the system would be fragmented into unconnected pieces if only 12-foot wide mileage could be designated. Congress did not intend such an interpretation of the statute. In fact, the language of existing section 416(a) cannot be taken as a legislative determination that 102-inch vehicles are never appropriate on lanes not "designed" to be 12 feet in width or, for that matter, on lanes actually of less than 12 feet in width. Such a determination would be unreasonable in light of: (1) The free operation of 102-inch vehicles in many States without respect to lane width; approximately one-half of the States have adopted legislation that permits 102-inch wide vehicles either on all roads or on all primary system routes in the State; (2) the nationwide current operation of both intercity and transit buses at 102-inches; and (3) the STAA's own requirement that the States permit access for the wider vehicles to terminals and facilities for food and fuel.

The Committee believes the ultimate safety determination is properly made by the Secretary after consideration of all the relevant circumstances. In this respect, section 4 of S. 2217 parallels the philosophy of section 2 and 3 of the bill providing for the Secretary's discretion to de-designate portions of the interstate system: highways should be neither locked in nor locked out of the designated system by overboard and inflexible legislative classifications.

Nevertheless, the Committee intends that the safety of motorists should be the paramount concern of the Secretary in designating highways for use by 102-inch wide vehicles. Truck width is a critical safety factor that affects which highways large commercial vehicles can safely use. The Committee seeks to ensure that the

safety of other motorists, as well as truck drivers, not be jeopardized by unreasonable hazards presented by wide trucks on narrow highways. The terrible toll of deaths and injuries suffered annually on this Nation's highways is already disturbingly high. Consequently, the Committee believes the Secretary should err on the side of caution in designating highways for 102-inch wide trucks so as to avoid creating new hazards that may increase these highway tragedies.

The Committee further believes that the Secretary should establish safety standards and criteria in order to determine which highways can safely accommodate 102-inch wide trucks. These standards and criteria should address such factors as lane width, sight distance, the severity and length of grades, horizontal curvature, shoulder width, the presence of narrow bridges, bridge clearances and load limits, traffic volumes and vehicle mix, intersection geometrics, and the vulnerability of roadside hardware.

The Committee recognizes that available data do not show that traffic lanes less than 12 feet wide are inherently incapable of accommodating 102-inch wide vehicles; nevertheless highways with 12-foot wide lanes are acknowledged to be generally safer than highways of lesser width. While a combination of factors such as lane width, sight distance, horizontal curvature, shoulder width, and length and severity of grades will determine whether a road segment can safely accommodate 102-inch wide trucks, the Committee expects that a large portion of the final nationwide route system designated by the Secretary will consist of highways with lanes of 12-foot width. The Committee does, however, intend that the Secretary may designate highways that have some portion of their length with lane mileage of less than 12-foot wide lanes, if the Secretary determines that such highways can safely accommodate the 102-inch wide vehicles. The Committee urges the Secretary to exercise special caution in designating highways with lanes less than 12-foot wide and believes the Secretary should resolve any doubts as to their safety by electing against designation.

The Committee intends that the provisions of section 4 should provide the basis upon which the Secretary, by a supplemental rulemaking, can proceed, with all deliberate speed, rationally to revise and finalize the designations for the nationwide route network. The Secretary's interim and proposed final designations contain highways which the Secretary has determined, at least on a preliminary basis, can safely accommodate 102-inch wide vehicles, but which have lanes not designed to be twelve feet or more.

Section 4 contemplates a supplemental rulemaking in which the Secretary is to confirm, or to determine in the first instance, that the designation of these highways, or any other qualifying highways, is consistent with highway safety and the purposes of title 49, United States Code. The Committee understands that if a particular highway has been determined to be unsuitable for the larger vehicles under DOT's designations to date, DOT will not move to reopen its consideration for possible inclusion of that highway in the nationwide route system unless requested to do so by the relevant State. While a new rulemaking is contemplated, the Secretary need not begin *de novo*, but may build upon the existing record. In making the safety determination, the Secretary need

not, in every instance, make a "mile-by-mile" or "road-by-road" analysis and may make appropriate use of general criteria or guidelines. However, the Secretary, in the Secretary's discretion, is free to supplement those criteria or modify their application, when particular individual factors or conditions reasonably warrant. The Committee intends that highway safety be the Secretary's principal concern. Under the highway safety standard embodied in the provision, due consideration must be given to any diminution of safety resulting from circuitous mileage.

SECTION 5

This section amends section 412 of the STAA (49 U.S.C. 2312) to extend the reasonable access guarantees of the STAA to truck tractor single trailer units of combination vehicles described in section 411(c) of the STAA. Those combination vehicles described in section 411(c) are the truck tractor, twin trailer combination vehicles authorized for uniform interstate operations, where the individual trailers are 28-feet in length (or 28½ feet in length if in service prior to December 1, 1982) and 102-inches in width. Section 5 of S. 2217 therefore provides that no State may deny reasonable access to points of loading or unloading for truck tractor single trailer units described in the STAA.

Historically, local motor carrier pickup and delivery operations have been conducted with truck tractor-semitrailer combination vehicles, where the semitrailer usually was 45-feet in length and 96-inches in width. Because carriers generally use the same standard equipment in local operations that they use for over-the-road operations, most companies now plan to use individual 28-foot trailers for pickup and delivery, after splitting the STAA-authorized twins at the terminal. This will reduce traffic congestion because much small vehicles will be involved in local service.

While the STAA authorized and guaranteed access to terminals and facilities for food, fuel and rest for the twin trailer combination vehicles, it did not include the necessary language to assure access for local delivery operations for the individual, 28-foot by 102-inch, trailers. If any State requirement were interpreted to restrict access for such local operations, the value to the carriers and shippers of the more efficient equipment would be substantially diminished. There would be sharp decline in purchases of new equipment from manufacturers while the inconsistency in Federal and State law was under judicial and/or administrative review.

The Committee notes that many intercity buses and the typical transit bus are 102-inches in width. These buses have almost universal access for passenger operations, but the STAA failed to make explicit the access guarantee for motor carrier equipment of the same width dimension.

Section 5 therefore provides authority for safer and more efficient motor carrier operations in pickup and delivery service by assuring reasonable access to points of loading and unloading to a limited and clearly-defined class of commercial motor vehicles on a uniform national basis. Operations for general freight carriers are conducted increasingly with twin trailer combination vehicles, as described in the STAA, where single-trailer units are 28-feet in

length and 102-inches in width. As reported, the bill simply clarifies current law and codifies industry practice by providing for uniform, nondiscriminatory access to points of loading and unloading for truck tractor single trailer units of those combination vehicles described above. As more carriers convert to the STAA-authorized equipment, single 28-foot trailers will replace the standard 45-foot trailer in pickup and delivery service, thus resulting in significantly improved traffic conditions in local service as well as more economical and efficient motor carrier service to shipper and the consuming public through a reduction in freight handling costs.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown, as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in roman):

THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Section 411 of that Act

LENGTH LIMITATIONS ON FEDERALLY ASSISTED HIGHWAYS

SEC. 411. (a) **[No]** *Except as provided in subsection (i) of this section, no State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (i) of this section) and those classes of qualifying Federal-aid Primary System highways as designated by the [Secretary,] Secretary of Transportation (hereinafter in this part referred to as the "Secretary"), pursuant to subsection (e) of this section.*

(b) * * *

(c) No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the National System of Interstate and Defense Highways *(other than a segment exempted under subsection (i) of this section)*, and those classes of qualifying Federal-aid Primary Systems highways as designated by the Secretary pursuant to subsection (e) of this section.

(d)-(h) * * *

(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and re-

quest that the Secretary exempt such segment from one or both of such subsections.

(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

(B) serves the area in which such segment is located.

(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

Section 412 of that Act

ACCESS TO THE INTERSTATE SYSTEM

SEC. 412. No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to this title between (1) the Interstate and Defense Highway System (*other than any segment thereof which is exempted under section 411(i) or 416(e) of this title*) and any other qualifying Federal-aid Primary System highways, as designated by the Secretary, and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers or for truck tractor single-trail-

er units of those combination vehicles described in section 411(c) of this title.

Section 416 of that Act

COMMERCIAL MOTOR VEHICLE WIDTH LIMITATION

SEC. 416. (a) **[No]** *Except as provided in subsection (e) of this section, no State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (e) of this section) or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety and the other purposes of this title; except that a State may continue to enforce any regulation of commerce in effect on April 6, 1983, with respect to motor vehicles that exceed 102 inches in width until the date on which such State adopts a regulation of commerce which complies with the provisions of this subsection.*

(b)-(c) * * *

(d) *Notwithstanding any other provision of law and in accordance with the provisions of this section, a State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (e) of this section), or any other qualifying Federal-aid highway as designated by the Secretary of Transportation [with traffic lanes designated to be a width of twelve feet or more].*

(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment.

(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such system is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section; and

(B) serves the area in which such segment is located.

(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

[(e)] *(f) The provisions of this section shall take effect on April 6, 1983.*